

House Study Bill 211 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to the Iowa municipal tort claims Act by
2 limiting the personal liability of an employee unless that
3 employee's actions constitute willful and wanton misconduct.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 670.2, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. An employee is not personally liable
4 for a claim arising out of an act of the employee taken in
5 execution or enforcement of any law unless the act constitutes
6 willful and wanton misconduct.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 The Iowa municipal tort claims Act provides that every
11 municipality is subject to liability for its torts and those of
12 its officers and employees, acting within the scope of their
13 employment or duties, whether arising out of a governmental or
14 proprietary function. "Municipality" is defined as a city,
15 township, school district, a Code chapter 28E entity "p", and
16 any other unit of local government except a soil and water
17 conservation district. This bill provides that a person cannot
18 bring a claim arising out of an act or omission of an employee
19 of a municipality in the execution or enforcement of any law
20 against an employee of the municipality in the employee's
21 personal capacity unless the employee's act constitutes willful
22 and wanton misconduct.